

Guardianship Procedures

Petitions for Appointment of Guardian Advocate

1. Individuals seeking to be appointed as guardian advocate are not required by Florida law to be represented by an attorney. Instructions and standard forms needed for petitioning for appointment as guardian advocate are available for purchase from the Flagler County Clerk of Court. Florida law requires that guardians in all other types of guardianship cases be represented by an attorney.
2. Petitioners must present the Court with evidence that the person alleged to be in need of a guardian advocate has a developmental disability as defined by F.S. 393.063 that manifested *before* the person turned 18 years old. Examples of such evidence include, but are not limited to, medical records, written statements from treating physicians, and IEPs.
3. Petitioners must submit to criminal background check investigations pursuant to section 744.3135, Florida Statutes. Petitioners *should not* expect that the Court will waive this requirement.
4. If the petitioner seeks to be appointed guardian of both person and property, a credit history must also be provided.
5. Each person appointed by the court to be a guardian, other than a parent who is guardian of the property of a minor child, must receive a minimum of 8

hours of instruction and training. § 744.3145, Fla. Stat. Guardians *should not* expect that the Court will waive this requirement.

6. All hearings are in person unless Zoom appearance has been granted by motion and order. Motions for Zoom appearance must comply with Rule of General Practice and Judicial Administration 2.530. See the link on the judge's cover page for instructions on how to motion for Zoom appearance.

Petitions to Determine Incapacity and for Appointment of Plenary Guardian

1. Plenary guardians must be represented by counsel. Fla. Prob. R. 5.030.
2. Petitioners must submit to criminal background check investigations pursuant to section 744.3135, Florida Statutes. Petitioners *should not* expect that the Court will waive this requirement.
3. If the petitioner seeks to be appointed guardian of both person and property, a credit history must also be provided.
4. Each person appointed by the court to be a guardian, other than a parent who is guardian of the property of a minor child, must receive a minimum of 8 hours of instruction and training. § 744.3145, Fla. Stat. Guardians *should not* expect that the Court will waive this requirement.
5. All hearings are in person unless Zoom appearance has been granted by motion and order. Motions for Zoom appearance must comply with Rule of

General Practice and Judicial Administration 2.530. See the link on the judge's cover page for instructions on how to motion for Zoom appearance.